

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MARCH 14, 1978

An adjourned regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Tuesday, March 14, 1978 in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - Ehrhardt, Hughes, Katzakian, Pinkerton and Katnich (Mayor)

Absent: Councilmen - None

Also Present: City Manager Glaves, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Mullen and City Clerk Reimche.

INVOCATION

The invocation was given by Councilman Ezra Ehrhardt.

PLEDGE

Mayor Katnich led the Pledge of Allegiance to the flag.

PUBLIC HEARINGS

Notices thereof having been published in accordance with law and affidavits of publication being on file in the office of the City Clerk, Mayor Katnich called for the following Public Hearings to be heard simultaneously:

MOKELUMNE
VILLAGE
SUBDIVISION

E.I.R.

a) Consider the Planning Commission's recommendation that the City Council certify as adequate the Final Environmental Impact Report for Mokelumne Village General Plan and Zoning Study.

REZONING REQUEST

APPEAL RE COST OF
INSTALLING TRAFFIC
SIGNAL LIGHTS

b) Consider the City Planning Commission's recommendation that the upland portion of the Mokelumne Village Subdivision, which is located on the north side of East Turner Road between the Southern Pacific Railroad right-of-way and State Route 99, be rezoned from P-D(3), Planned Development District No. 3 in the following manner:

- i. Lots 1 through 33 and Lots 90 through 128 to the R-1, Single Family Residential, with the exception of those portions of Lots 16 through 27 which are below elevation 48, shall remain in the F-P, Floodplain District;

MOKELUMNE
VILLAGE
SUBDIVISION
(Continued)

Minutes of March 14, 1978, continued

- ii. Lots 34 through 89 to the R-LD, Low Density Multiple Family Residential District with Lots 41 through 57 and Lots 61 through 71 designated for duplexes and Lots 34 through 40, Lots 58 through 60, and Lots 72 through 89 designated for single-family residences;
 - iii. The 11 acre commercial area at the northwest intersection of State Route 99 and East Turner Road to the C-S, Commercial Shopping District.
- c. Consider the request of Baumbach and Piazza, Civil Engineers, on behalf of Sanguinetti and Arnaiz Development Company, Developers of the Mokelumne Village Subdivision appealing the condition that the Developer pay for 25% of the costs of installing traffic signal lights at the corner of Stockton Street and Turner Road.

The matters were introduced by Community Development Director Schroeder who presented diagrams of the subject area and answered questions regarding the matters as were directed by Council.

Mr. Terry Piazza, Baumbach and Piazza, Civil Engineers, representing Sanguinetti and Arnaiz Development Company, Developers of the Mokelumne Village Subdivision addressed the Council on the subject and answered questions regarding the matters as were posed by the Council.

Mr. Piazza spoke on behalf of the appeal of Sanguinetti and Arnaiz Development Company regarding the condition that the Developer pay for 25% of the costs of installing traffic signal lights at the corner of Stockton Street and Turner Road, stating that this requirement is not presently covered by City Ordinance.

Mr. Piazza also pointed out that he was concerned with the proposed rezonings being designated by lot numbers as it was possible some adjustments would be made in these lots. Community Development Director Schroeder stated that these rezonings could be designated by legal description.

Lengthy discussion followed with questions being posed by the Council to the City Attorney, Community Development Director Schroeder, Public Works Director Ronsko and Mr. Terry Piazza.

There were no other persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

Following review, evaluation, and discussion regarding the subject environmental documents, Council, on motion of Councilman Katzakian, Ehrhardt second, certified as adequate the final Environmental Impact Report for Mokelumne Village General Plan and Zoning Study.

MOKELUMNE
VILLAGE
SUBDIVISION
(Continued)

On motion of Councilman Pinkerton, Ehrhardt second, Council indicated its willingness to introduce an ordinance rezoning the upland portion of the Mokelumne Village Subdivision, which is located on the north side of East Turner Road between the Southern Pacific Railroad right-of-way and State Route 99 from P-D(3) as follows when the moratorium on the approval of all tentative maps, final maps, and rezonings has been lifted:

1. Lots 1 through 33 and Lots 90 through 128 to the R-1, Single Family Residential, with the exception of those portions of Lots 16 through 27 which are below elevation 48, shall remain in the F-P, Floodplain District;
2. Lots 34 through 89 to the R-LD, Low Density Multiple Family Residential District with Lots 41 through 57 and Lots 61 through 71 designated for duplexes and Lots 34 through 40, Lots 58 through 60, and Lots 72 through 89 designated for single-family residences;
3. The 11 acre commercial area at the northwest intersection of State Route 99 and East Turner Road to the C-S, Commercial Shopping District.

Councilman Ehrhardt then moved that item "c" - "Consider the request of Baumbach and Piazza, Civil Engineers, on behalf of Sanguinetti and Arnaiz Development Company, Developers of the Mokelumne Village Subdivision appealing the condition that the Developer pay for 25% of the Costs of installing traffic signal lights at the corner of Stockton Street and Turner Road" be tabled until the new Council can establish a policy on this. The motion was seconded by Mayor Katnich. Following a lengthy discussion, the motion failed to pass by unanimous vote.

Councilman Hughes then moved that the Developers of the Mokelumne Village Subdivision not be required to pay for 25% of the costs of installing traffic signal lights at the corner of Stockton Street and Turner Road. The motion was seconded by Councilman Pinkerton and carried by unanimous vote.

It was suggested that Staff prepare a report for Council on its recommendations concerning the setting of a policy regarding Developer's responsibilities for paying for a portion of the costs of installing traffic signal lights.

COMMUNICATIONS

SIDEWALK,
DRIVEWAY
GARBAGE PICKUP
URGED

The City Clerk presented a letter which had been received from Mr. Oliver H. Brouillard, 711 Westwood Avenue, Lodi, California stating that he would like to see a lower rate for sidewalk, driveway pickup as he feels that this type of service is eminent in the community as a means of saving money.

REPORTS OF THE
CITY MANAGER

In accordance with the report and recommendation of the City Manager, the following actions hereby set forth between asterisks, on motion of Councilman Pinkerton, Ehrhardt second, were approved by Council.

CLAIMS

CLAIMS WERE APPROVED IN THE AMOUNT OF \$505,224.12.

SPECS APPROVED
FOR WATER/SEWER
MAINTENANCE
SERVICE TRUCK

COUNCIL APPROVED SPECIFICATIONS FOR ONE WATER/SEWER MAINTENANCE SERVICE TRUCK IN THE 27,500 POUND GROSS VEHICLE WEIGHT AND AUTHORIZED THE PURCHASING AGENT TO ADVERTISE FOR BIDS THEREON.

CONFLICT OF
INTEREST FILINGS
REC'D. FROM CITY
MANAGER, DESIGNATED
EMPLOYEES & PLANNING
COMMISSION MEMBERS

Council was apprised that the City Manager, all Designated Employees and Planning Commission members of the City of Lodi had filed Conflict of Interest Filings with the City Clerk pursuant to the Conflict of Interest Code adopted by the City Council on May 18, 1977. This filing period covers the period from the date of the initial filing through December 31, 1977.

COUNCIL RECEIVED AS FILED CONFLICT OF INTEREST FILINGS BY THE CITY MANAGER, ALL DESIGNATED EMPLOYEES AND PLANNING COMMISSION MEMBERS OF THE CITY OF LODI.

WATER/SEWER
FOREMAN CLASS
SPECS APPROVED

City Manager Graves informed the Council that due to a recent reorganization within the Water and Sewer Division which came about due to the purchase of the City's hydraulic sewer cleaner, there is no longer a need for the job classification of Water Services Foreman I. The title of Water Services Foreman indicates only work on the water system. The crews in the Water and Sewer Division work both on water and sewer systems; therefore, it is appropriate that the job title for all foremen in the Water and Sewer Division be changed to "Water/Sewer Foreman".

COUNCIL ELIMINATED THE JOB CLASSIFICATIONS OF WATER SERVICES FOREMAN I AND II AND ADOPTED THE CLASS SPECIFICATIONS FOR WATER/SEWER FOREMAN AT SALARY RANGE 31.

ORD. RE DRINKING
ON PUBLIC STREETS

City Manager Graves apprised the Council of a recent meeting that had been held with downtown merchants regarding problems being encountered in the downtown area.

ORD. NO. 1139
INTRO.

A proposed ordinance prepared by City Attorney Mullen regarding possession of open liquor containers was presented for Council's perusal.

Minutes of March 14, 1978, continued

ORD. RE DRINKING
ON PUBLIC STREETS

Council discussion followed with questions regarding the proposed ordinance being directed to the City Attorney and to the City Manager by the Council.

ORD. NO. 1139 INTRO.
(Continued)

Councilman Ehrhardt then moved introduction of Ordinance No. 1139 entitled "An Ordinance making it illegal to drink or have an open container of alcoholic beverage in any public place within the City of Lodi". The motion was seconded by Councilman Pinkerton and carried by unanimous vote:

REFUSE COLLECTION
& FEES

The subject of refuse collection and refuse fees which had been continued from the February 15, 1978 and March 1, 1978 Council meetings was again discussed at length.

REFUSE RATES

ORD. NO. 1140
INTRO.

Questions concerning Sanitary City Disposal Company, Inc. operations and the Company's financial statements were directed to Staff.

Councilman Hughes then moved introduction of Ordinance No. 1140 proposing that a residential rate increase be established per Assistant City Manager Glenn's figures, but that the monthly charge increase of \$7,829 being proposed be implemented or imposed in the form of a surcharge to be collected over a 14 month period commencing May 1, 1978 which would calculate out as follows:

| | |
|---------|----------------------|
| 1st can | \$2.48 basic rate |
| | <u>.52</u> surcharge |
| | \$3.00 |
| 2nd can | \$1.00 basic rate |
| | <u>.20</u> surcharge |
| | \$1.20 |

and that sometime prior to the end of the 14 month period that the City evaluate where it is and project the future rate needs; and further, that an ongoing rate increase of 10 1/2% be imposed on both commercial and residential customers commencing May 1, 1978.

The motion was seconded by Councilman Katzakian.

Additional discussion followed with questions being directed to Staff.

Following the call for the question, the motion carried by the following vote:

Ayes: Councilmen - Ehrhardt, Hughes, Katzakian
and Pinkerton

Noes: Councilmen - Katnich

Absent: Councilmen - None

Minutes of March 14, 1978, continued

FUNDS APPROVED
FOR AUDIT OF
SANITARY CITY
DISPOSAL BOOKS

Following additional discussion, Council, on motion of Councilman Hughes, Katzakian second authorized the expenditure of \$5,000 to retain a nationally recognized auditing firm to conduct an audit of the Sanitary City Disposal Co., Inc. books.

RECESS

Mayor Katnich declared a recess and the Council reconvened at approximately 9:55 p.m.

FURTHER PARKING
RESTRICTIONS
APPROVED IN AREA
OF "NEW" TOKAY
HIGH SCHOOL

Council was apprised that the City has had a request from Mr. Arthur Uhls, 804 Dorchester Circle, Lodi asking that restricted parking similar to that of other restrictions in the area of the "new" Tokay High School be extended to include the existing portion of Dorchester Circle.

RES. NO. 78-30

Council discussion followed with questions regarding the request being directed to Staff. An exhibit of the subject area was presented for Council's perusal.

On motion of Councilman Pinkerton, Ehrhardt second, Council adopted Resolution No. 78-30 rescinding Resolution No. 4410 and amending Section 195 (j) of Ordinance No. 493 with the addition of subsection number "21" which shall read in full as follows:

(21) Parking shall be prohibited between the hours of 9:00 a.m. and 10:00 a.m. and 12:30 p.m. and 1:30 p.m. on school days upon any of the following enumerated streets:

a) Dartmoor Circle

b) on the south side of Century Boulevard from Ham Lane to and including Dorchester Circle.

AGENDA ITEM "h"
PULLED FROM
AGENDA

With Council's concurrence, Agenda Item "h" - "Approve Development Agreement - Ferdun and Woods" was pulled from the Agenda.

REVISED STATEMENT
OF POLICIES & PRO-
CEDURES SPECIFIC
TO THE NOISE
ELEMENT AND TO THE
SAFETY/SEISMIC
SAFETY ELEMENT
APPROVED

Council was apprised that Mr. Pete Dias, State Office of Planning and Research had been in contact with Community Development Director Schroeder requesting that the last paragraph of Resolution No. 78-16 - "Resolution Requesting a Time Extension to September 1, 1978 for Completion of the Safety and Seismic Safety Elements of the General Plan by the City of Lodi" be amended to read in full as follows:

RES. NO. 78-16 AND
78-18 AMENDED

"WHEREAS, the City of Lodi has granted and will continue to grant land use approvals only to those projects which are consistent with its existing General Plan Elements and on the basis of available information must be consistent with the new elements being studied and considered; and"

On motion of Councilman Katzakian, Ehrhardt second, Council amended Resolution No. 78-16 thereby revising the Statement of the Policies and Procedures specific to the Safety/Seismic Safety Element.

NOISE, SAFETY/
SEISMIC & SAFETY
ELEMENTS
RES. NO. 78-16 &
78-18 AMENDED
(Continued)

Mr. Dias had also requested that the sixth paragraph of Resolution No. 78-18 - "Resolution Requesting a Time Extension to September 1, 1978 for Completion of the Housing Element of the General Plan by the City of Lodi" be amended to read in full as follows:

"WHEREAS, the City of Lodi has granted and will continue to grant land use approvals only to those projects which are consistent with its existing General Plan Elements and on the basis of available information must be consistent with the new elements being studied and considered; and "

On motion of Councilman Katzakian, Ehrhardt second, Council amended Resolution No. 78-18 thereby revising the Statement of the Policies and Procedures specific to the Noise Element.

COUNCIL AUTHORIZES
STAFF TO NEGOTIATE
AGREEMENT WITH
ARCHITECT FOR
COMPLETION OF
MSC COMPLEX

Council was informed that funds were budgeted in the 1977-78 Capital Improvement Program for the demolition of the old sewer farm plant and the preparation of plans and specifications for the completion of the Municipal Service Center complex for the Public Works and Utility Departments.

The architectural work for the completion of the MSC complex will consist of the following three phases:

PHASE I - Environmental and economic feasibility studies on the possible use of solar energy for this complex.

PHASE II - A detailed site plan to include size, location and the interior configuration of all buildings proposed for the complex.

PHASE III - The final preparation of plans and specifications for the completion of the MSC complex project subject to the completion of the first two items.

Following discussion, Council, on motion of Councilman Katzakian, Pinkerton second, authorized Staff to commence negotiation of an agreement with Morris-Wenell Associates to perform the architectural work for the completion of the MSC complex.

3/7/78 GENERAL
MUNICIPAL
ELECTION RESULTS

RES. NO. 78-31

City Clerk Reimsche certified that she had canvassed the returns of the General Municipal Election of March 7, 1978 and reported the results thereof. On motion of Councilman Ehrhardt, Katzakian second, the Council adopted the following resolution:

WHEREAS, a General Municipal Election was held and conducted in the City of Lodi on Tuesday, the 7th day of March, 1978, as is required by law; and

WHEREAS, it appears from the report of the City Clerk and the records on file in her office that voting precincts were properly established and the polling places thereof designated; that election officers were

ELECTION RESULTS
RES. NO. 78-31
(Continued)

Minutes of March 14, 1978, continued

appointed and qualified; that election supplies, including official ballots, were furnished each of said precincts; and that in all respects, said election was held and conducted and the votes received thereat received and canvassed and the returns thereof made, determined and declared in time, form and manner as required by the laws of the State providing for and regulating elections in general law cities; and

WHEREAS, in accordance with Resolution No. 4420, the City Clerk conducted the canvass of the returns of said election; and

WHEREAS, the City Council of the City of Lodi, meeting at the City Council Chambers this 14th day of March 1978, to declare the results of the election and to install the newly elected officers, finds, determines and declares, as a result of said count and canvass as certified by the City Clerk:

(1) That said General Municipal Election was held and conducted in the City of Lodi, California, on the 7th day of March, 1978, in time, form and manner required by law;

(2) That there were sixteen voting precincts established in said City for the purpose of holding said election, viz:

VOTING PRECINCT 1, comprising State and County precinct numbers L2401 and L2403.

VOTING PRECINCT 2, comprising State and County precinct numbers L2402 and L2404.

VOTING PRECINCT 3, comprising State and County precinct numbers L2406 and L2407.

VOTING PRECINCT 4, comprising State and County precinct numbers L2408 and L2409.

VOTING PRECINCT 5, comprising State and County precinct numbers L2410 and L2432.

VOTING PRECINCT 6, comprising State and County precinct numbers L2411 and L2427.

VOTING PRECINCT 7, comprising State and County precinct numbers L2412 and L2413.

VOTING PRECINCT 8, comprising State and County precinct numbers L2405 and L2414.

VOTING PRECINCT 9, comprising State and County precinct numbers L2415 and L2416.

VOTING PRECINCT 10, comprising State and County precinct numbers L2417 and L2430.

VOTING PRECINCT 11, comprising State and County precinct numbers L2418 and L2419.

ELECTION RESULTS
RES. NO. 78-31
(Continued)

VOTING PRECINCT 12, comprising State and County precinct numbers L2420 and L2422.

VOTING PRECINCT 13, comprising State and County precinct numbers L2421 and L2431.

VOTING PRECINCT 14, comprising State and County precinct numbers L2423 and L2424.

VOTING PRECINCT 15, comprising State and County precinct numbers L2425 and L2429.

VOTING PRECINCT 16, comprising State and County precinct numbers L2426 and L2428.

(3) That the whole number of votes cast at said election was four thousand nine hundred one (4,901).

(4) That the names of the persons voted for, the offices for which they were voted, and the number of votes received by each of said persons in each of said precincts, together with the whole number of votes received in the entire City by each of said persons are as shown on Exhibit "A" attached hereto and by reference made a part hereof.

EXHIBIT "A"

GENERAL MUNICIPAL ELECTION
MARCH 7, 1978
FOR CITY COUNCILMAN

| <u>Precinct</u> | <u>Hughes</u> | <u>Ehrhardt</u> | <u>Katnich</u> | <u>McCarty</u> | <u>Murphy</u> |
|-----------------|---------------|-----------------|----------------|----------------|---------------|
| 1 | 156 | 134 | 129 | 131 | 103 |
| 2 | 117 | 89 | 100 | 96 | 73 |
| 3 | 139 | 135 | 118 | 104 | 79 |
| 4 | 158 | 128 | 153 | 160 | 140 |
| 5 | 147 | 122 | 141 | 144 | 119 |
| 6 | 182 | 180 | 193 | 234 | 208 |
| 7 | 220 | 185 | 229 | 236 | 145 |
| 8 | 116 | 105 | 134 | 138 | 90 |
| 9 | 254 | 241 | 257 | 214 | 163 |
| 10 | 150 | 145 | 156 | 186 | 164 |
| 11 | 144 | 117 | 122 | 122 | 89 |
| 12 | 192 | 152 | 200 | 171 | 216 |
| 13 | 211 | 192 | 261 | 206 | 222 |
| 14 | 181 | 140 | 192 | 199 | 146 |
| 15 | 207 | 139 | 218 | 170 | 171 |
| 16 | 227 | 218 | 314 | 224 | 197 |
| Abst. | 80 | 67 | 82 | 75 | 41 |
| TOTAL | 2,881 | 2,489 | 2,999 | 2,810 | 2,366 |

RESOLVED, THEREFORE, that at said General Municipal Election held in the City of Lodi on March 7, 1978, the following named persons were elected to the office of City Councilman:

ELECTION RESULTS
RES. NO. 78-31
(Continued)

Minutes of March 14, 1978, continued

RICHARD L. HUGHES, for a term of four years from and after the 14th day of March, 1978, and until his successor shall have been elected and shall have qualified;

WALTER J. KATNICH, for a term of four years from and after the 14th day of March, 1978, and until his successor shall have been elected and shall have qualified;

JAMES A. McCARTY, for a term of four years from and after the 14th day of March, 1978, and until his successor shall have been elected and shall have qualified;

Upon the adoption of this resolution, the City Clerk shall enter a full copy thereof on the records of the City Council of the City of Lodi for its meeting held this 14th day of March, 1978.

COUNCILMAN
EHRHARDT
COMMENDED FOR
SERVICES TO
COMMUNITY

Mayor Katnich presented to Councilman Ezra Ehrhardt a plaque which read in part as follows;

"The City of Lodi, California gratefully makes this presentation to Ezra Ehrhardt, who untiringly and unselfishly gave of his time, energy and effort for the betterment of his City.

"The citizens will long remember the dedication to fairness and strength of purpose which guided his actions while serving as a City Councilman."

Parting remarks were made by Councilman Ehrhardt, who publicly thanked the people of Lodi for allowing him to serve on the Council.

OATH OF OFFICE

The City Clerk administered the oath of office to Mr. Richard L. Hughes, Mr. Walter J. Katnich, and Mr. James A. McCarty and presented a certificate of election to each.

REORGANIZATION OF THE CITY COUNCIL

MAYOR AND MAYOR
PRO TEMPORE
ELECTED

The City Clerk called the new Council to order and asked for nominations for Mayor. Councilman Katzakian nominated Councilman James Pinkerton. The motion was seconded by Councilman Hughes. There being no further nominations, the nominations were closed. Councilman Pinkerton was elected Mayor by unanimous vote.

Councilman Katnich in stepping down as Mayor called on Mayor Pinkerton to develop a set of specific goals that he wants the Council to accomplish during the next year. Councilman Katnich stated that the Council he worked with as Mayor was one of the finest Councils around and that he felt the Council had provided good direction and reacted well to all sorts of situations.

REORGANIZATION OF
CITY COUNCIL
(Continued)

Mayor Pinkerton then called for nominations for Mayor Pro Tempore. Councilman Katnich nominated Councilman Katzakian. The motion was seconded by Councilman Hughes. There being no further nominations, the nominations were closed. Councilman Katzakian was elected Mayor Pro Tempore by unanimous vote.

ADJOURNMENT

There being no further business to come before the Council, Mayor Pinkerton adjourned the meeting to Wednesday, March 22, 1978 at 8:00 p.m.

Attest:


ALICE M. REIMCHE
CITY CLERK